



PATENT
ATTORNEY DOCKET NO.: 039592-5113-01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Assistant Commissioner for Patents
BOX PATENT APPLICATION
Washington, D.C. 20231

PRIOR APPLICATION: 09/288,642 Examiner: R. DEEMIE Group Art Unit: 1623



**CONTINUATION, DIVISIONAL, AND CONTINUATION-IN-PART
PATENT APPLICATION TRANSMITTAL UNDER 37 C.F.R. § 1.53(b)**

This is a request for filing a patent application under 37 C.F.R. § 1.53(b).

1. This application is a ☒ Continuation ☐ Divisional ☐ Continuation-in-Part patent application under 37 C.F.R. § 1.53(b), of pending prior application no. 09/288,642, filed on April 9, 1999, of:

Inventor(s): Neil W. BOAZ
M. Todd COLEMAN
Timothy R. HIGHTOWER

For: PREPARATION OF C₁-C₅ ALKYL ESTERS OF NITRO OR THIOETHER
SUBSTITUTED AROMATIC CARBOXYLIC ACIDS

2. The papers enclosed are as follows:

A new continuation application:

28 Page(s) of specification including

1 Title Page

6 Page(s) of claims

1 Page of abstract

Sheet(s) of drawings containing 0 Figure

X Other: Combined Declaration & Power of Attorney (copy)

X Other: Assignment for Patent Application (copy)

3. Amendments

For continuation and divisional applications:

- ☒ Cancel in this application original claims 1-21 in the enclosed copy of prior application before calculating the filing fee.
- ☒ A preliminary amendment is enclosed. (Claims added by this amendment will be properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

4. Oath or Declaration

For continuation or divisional applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☒ A copy of an oath or declaration from a prior application is enclosed under 37 C.F.R. § 1.63(d). The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied is considered as part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
- ☐ A signed statement deleting inventor(s) named in the prior application is enclosed.

For continuation-in-part applications:

- ☐ A newly executed (original or copy) oath or declaration is enclosed.
- ☐ An oath or declaration is not enclosed. This application is being filed under 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the declaration and paying the filing fees.

5. Priority - foreign applications under 35 U.S.C. § 119(a)-(d) or § 365(b) or PCT international applications under 35 U.S.C. § 365(a) designating at least one country other than the U.S.

- ☐ Priority of the following foreign application(s) is/are claimed:

| Country | Application No. | Filed |
|---------|-----------------|-------|
| | | |

Certified copy(ies): ☐ is/are attached.
☐ will follow.

6. Priority – domestic applications under 35 U.S.C. § 120.

☒ Priority of the following domestic application(s) is/are claimed:

| Country | Application No. | Filed |
|---------|-----------------|---------------|
| U.S. | 09/288,642 | April 9, 1999 |

7. Assignment

For continuation or divisional applications:

☒ The prior application was assigned of record to EASTMAN CHEMICAL COMPANY recorded JULY 7, 1999 at Reel/Frame 010084/0589.

☐ An assignment of the invention to and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

For continuation-in-part applications:

☐ An assignment of the invention to and a PTO Form-1595, Recordation Form Cover Sheet, are enclosed.

8. Fee Calculation (37 C.F.R. § 1.16)

| CLAIMS FOR FEE CALCULATION | | | | |
|---|--------------|--------------|-----------------|--|
| | Number Filed | Number Extra | at Rate of | Basic Fee Utility \$ 740.00 Design \$ 330.00 |
| Total Claims (37 C.F.R. § 1.16(c)) | 14 - 20 = | 0 | \$ 18.00 each = | + \$ 0.00 |
| Independent Claims (37 C.F.R. § 1.16(b)) | 2 - 3 = | 0 | \$ 84.00 each = | + 0.00 |
| Multiple dependent claim(s), if any (37 C.F.R. § 1.16(d)) | | | \$270.00 | + 0.00 |
| SUB-TOTAL = | | | | \$ 0.00 |
| Reduction by ½ for filing by a small entity | | | | - \$ 0.00 |
| TOTAL FILING FEE = | | | | \$ 740.00 |

9. Fee Payment

- ☐ Not Enclosed. NO FEE IS BEING PAID BY CHECK OR DEPOSIT ACCOUNT AT THIS TIME.

This application is being filed under the provisions of 37 C.F.R. § 1.53(f). Applicant(s) await notification from the Patent and Trademark Office of the time set for filing the Declaration and paying the filing fees.

- ☒ A check in the amount of **\$740 (Basic Filing Fee)** is enclosed. Please charge any additional filing fees to deposit account No. 50-0310.
- ☐ The fee for extra claims under 37 C.F.R. § 1.16(d) is not being paid at this time and no authorization is given to charge our deposit account for this fee.

10. Small Entity Status is claimed and

- ☐ a statement claiming small entity status is enclosed, or
- ☐ a small entity statement was filed in the prior nonprovisional application and is still proper and desired.

11. ☒ The power of attorney in the prior application is to at least one of the registered practitioners of Morgan, Lewis & Bockius LLP included in the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith, and all correspondence shall be addressed to that Customer Number.

Please address all correspondence to Morgan, Lewis & Bockius LLP at
Customer Number: 009629

12. ☐ Recognize as associate attorney (name, address, and registration no.)

13. ☒ PETITION FOR EXTENSION OF TIME. If any extension of time is necessary for the filing of this application, including any extension in the prior application, application no. 09/288,642, filed April 9, 1999, for the purpose of maintaining copendency between the prior application and the present application, and such extension has not otherwise been requested, such an extension is hereby requested, and the Commissioner is authorized to charge necessary fees for such an extension to Deposit Account No. 50-0310.

14. ☒ EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be an CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).
15. Additional papers enclosed:
- ☒ Information Disclosure Statement
 - ☒ Form PTO-1449, 0 references included
 - ☐ Declaration of Biological Deposit
 - ☐ Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.
 - ☒ Preliminary Amendment

Please accord this new U.S. Continuation Application an application number and filing date.

Respectfully submitted,

MORGAN, LEWIS & BOCKIUS LLP

By: Jeffrey A. Lindeman
Jeffrey A. Lindeman
Reg. No. 34,658

Dated: December 6, 2001

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